



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 54] नई दिल्ली, सोमवार, नवम्बर 23, 1987/अग्रहायण 2, 1909
No. 54] NEW DELHI, MONDAY, NOVEMBER 23, 1987/AGRAHAYANA 2, 1909

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 23rd November, 1987:—

BILL No. XLIV OF 1987

A Bill to amend the Forest (Conservation) Act, 1980.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Forest (Conservation) Amendment Act, 1987.

Short title
and com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

69 of 1980.

2. In section 2 of the Forest (Conservation) Act, 1980 (hereinafter referred to as the principal Act),—

Amend-
ment of
section 2.

(a) after clause (ii), the following clauses shall be inserted, namely:—

“(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;

(iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation.”;

(b) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

'Explanation.—For the purpose of this section “non-forest purpose” means the breaking up or clearing of any forest land or portion thereof for—

(a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;

(b) any purpose other than reafforestation,

but does not include any work relating or ancillary to conservation, development and management of forests and wild life, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.’

3. After section 3 of the principal Act, the following sections shall be inserted, namely:—

Insertion
of new
sections
3A and
3B.

Penalty
for contra-
vention of
the provi-
sions of
the Act.

“3A. Whoever contravenes or abets the contravention of any of the provisions of section 2, shall be punishable with simple imprisonment for a period which may extend to fifteen days.

Offences
by autho-
rities and
Govern-
ment
depart-
ments.

3B. (1) Where any offence under this Act has been committed—

(a) by any department of Government, the head of the Department; or

(b) by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority;

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render the head of the department or any person referred to in clause (b), liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence punishable under the Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the department, or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.”

STATEMENT OF OBJECTS AND REASONS

The Forest (Conservation) Act, 1980 was enacted to provide for the conservation of forests by checking the indiscriminate diversion of forest land for non-forest purposes.

2. The guidelines issued for implementation of the provisions of the Act regarding cultivation of various cash crops to be treated as non-forest purposes had not been strictly followed. Section 2 of the Act is, therefore, proposed to be amended so as to provide that the leasing of forest land or portion thereof to private persons or any authority, corporation, agency or any other organisation not owned, managed or controlled by Government and clearing of trees which have grown naturally in any forest land or portion thereof for the purpose of using it for reafforestation also will require prior approval of the Central Government. The scope of the existing definition of "non-forest purposes" is being expanded so as to include therein also cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops and medicinal plants. A penal provision for contravention of the provisions of the Act by any authority, individual or institution is also being incorporated in the Act.

3. The Bill seeks to achieve the above objects.

BHAJAN LAL.

SUDARSHAN AGARWAL,
Secretary-General.

